

# The New Amberola

# GRAPHIC

PUBLISHED BY THE NEW AMBEROLA PHONOGRAPH CO.

Here and There.....	3
Willie Robyn's 101st Birthday.....	4
Making Tops for Cylinder Record Boxes.....	6
Edison Wax Cylinders Manufactured after 1912.....	8
In Review.....	10
Curiosity Corner: "Paper Cuts?".....	11
Reflections from the Grooves: The Case of the Scarlet Record Labels (Part 7).....	12
1888 Edison Recording Discovered.....	15
Diamond Discs Hot Off the Press.....	16-17
Life in the Orthophonic Age: News & Notes.....	17
Obituaries.....	17-19
Louis Krasner, Twentieth Century Violinist.....	20



(July 1995)  
Issue

# The New Amberola Graphic

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## Editor's Notes

I find the rise of Patrick Buchanan's popularity alarming. It isn't so much the man himself as the fact that racists love him, gun nuts love him, white supremacists love him, neo-Nazis love him, homophobes love him, and anti-Semites love him that has me worried. Many well-intentioned people who are concerned about our sluggish economy think he has a few quick fixes which will make it all better. All this is reminiscent of Germany in the early 1930s...and that scares the hell out of me.

- M.F.B.

7

(better!)

readers did not receive the last issue because they failed to notify us of a change in their address.

Don't let this happen to you! Let us know when you move (second class mail does not get forwarded automatically).



## HERE & THERE

Compiled for the GRAPHIC by  
La Von Edsell Kirby

We thank all of the kind readers who sent us Christmas cards this past December. Your friendship and good will are valued higher than your business!

Don't forget to participate in voting in the RCA vs. Columbia case, as the testimony concludes with this issue. We promise to have some of the most interesting data yet to come out of this case in the next installment.

We wish to correct an error regarding Bill Bryant's date of birth which appeared in the last issue. Bill was born on October 25th, 1950 -- not October 21st.

Drastically rising printing costs (due, mainly, to paper prices) have resulted in the necessity of overhauling our advertising rates. In fact, since last spring the 8 1/2 x 11" pages have cost more to print than we were charging! Please see the new rates on page 2 of this issue.

Tim Brooks would like to hear from any reader who owns a copy of Columbia cylinder #31693, "Laughing Quartette." He doesn't want the record itself, but would like to know if it includes George W. Johnson's "Laughing Song." He needs the information for his project of documenting early black performers and their music. If you can assist, please contact Tim at P.O. Box 31041, Glenville Station, Greenwich, CT 06831-0741.

The information in our last issue about the very last of the Blue Amberols prompted Frank O. Moon to share the following little tale with us:

"Having read about the late number Blue Amberols of Edison in the Graphic, I just had to reply to ONE answer why the late numbers are so rare.

"I would guess around 1930, a 'new' family moved next door to us and since I had recently acquired the Edison Standard my Grandmother had, I was interested in the cylinders of Edison. The boy, perhaps in his twenties, told me they had moved because their home had burned completely. Everything gone. And then he tells me that

they had an Edison player and only just before this time Edison was still making records and his mother had been buying them. At the time I didn't know there were Blue Amberols since all I had were the two minute Edison wax and perhaps a few of the two minute Indestructible.

"So I would say that perhaps some of the latest releases went the way of the fire that consumed the home.

"A number of years back, A. Nugent of Virginia advertised Blue Amberol cylinder #5717 for 60 cents since regular issues were 30 to 50 cents. At the time I had NO idea where the numbers went since this was before the Deacon issues of cylinders. So, I for one do not have any of the 5700 series of cylinders.

"The highest number I own is 5679, a Dalhart selection and this is very loud, about like the earliest numbers of Blues. And, I could add, much better than some of the last of the dubbed material from acoustic discs." ++++++

For Blue Amberol fans, Ron Dethlefsen will have much more information about them in our next issue.

Our project to upgrade our mailing list to include expanded ZIP codes is about 25% complete. We get the extra four digits from checks, mailing labels, and from subscribers when they tell us. If the extra four digits are not on your mailing label, will you please let us know when you write or renew? Theoretically, this will result in faster delivery of the GRAPHIC.

Reader Carl Schueler asks if you can name the Hollywood movie in which two rare Jenny Lind cylinders are the cause of mystery and murder. A Swedish tycoon has offered \$100,000 for each of the two known cylinders. Regis Toomey has a small role, and "The Whistler" (of 1940s radio fame) narrates the story. The answer will be found somewhere in the classified section of this issue!

One of our Canadian readers, Gabriel Labbe, announces a new book devoted to folk musicians of Quebec from 1920 to 1993. The book includes bios and discographies of over a hundred artists. We hope to have a copy to review in the next issue. In the meantime, readers who want further information about Musiciens traditionnels du Quebec may contact Gabriel Labbe at C.P. 61, Succ Jean Talon, Montreal, Que. Canada H1S 2Z1.

George Paul's popular "Phonograph Forum" will return with the next issue. Also, Ray Wile has some fascinating information on Berliner which we will begin sharing with the next issue.



# WILLIE ROBYN'S 101ST BIRTHDAY PARTY

by Tim Brooks



York; Rosemarie and Joseph Lamont, who now care for Robyn at their home in New Jersey; and, from Texas, the families of two nephews (now deceased) whom Robyn was responsible for bringing from Russia to America in the 1930s and 1970s. One of the latter spoke movingly about how she literally "owed her life" to the diminutive, self-effacing man. Although most of the reminiscences were about Robyn's later life as a Cantor and a friend to many, his recording career was not forgotten. A number of his recordings were played, and he was presented with a large cake decorated with an attractive Nipper. A tape provided by Graphic editor Martin Bryan of a long-lost test recording, made for Brunswick in 1933, was a particular treat; Robyn identified it as a Yiddish comic song he had used as an encore at concerts. He had not heard it in 60 years.

Robyn's biography and discography, by this writer, appeared in the ARSC Journal in 1992. Although details of his early life in Latvia are necessarily sketchy, his "official" birthdate is November 28, 1894.

How do you give a surprise party for a man who is 101? Carefully, it would seem, unless the man is 1920s recording artist William Robyn. On November 25, 1995, I had the honor of attending Robyn's 101st birthday party, at the home of his cousin Dr. Herschel Flax, on Long Island. The guest of honor may move a bit more slowly these days, but he was as friendly and gracious as ever.

Robyn, whose real name is William Rubin, will be known to Graphic readers as one of the more prolific recording artists of the 1920s. A Latvian immigrant, he performed in vaudeville in the 1910s, made his first tests for Victor and Columbia in 1918, and later recorded hundreds of popular and ethnic songs for those labels, Cameo, Emerson, Brunswick, Okeh, Pathe and ARC. He recorded exclusively for Victor from 1920 to 1923 and for Cameo from 1923 to 1927.

More than 50 family members and close friends from Robyn's later years as a Jewish Cantor attended the party. Among them were Cantor William Wolff, who succeeded him at Temple Israel Center in White Plains, New

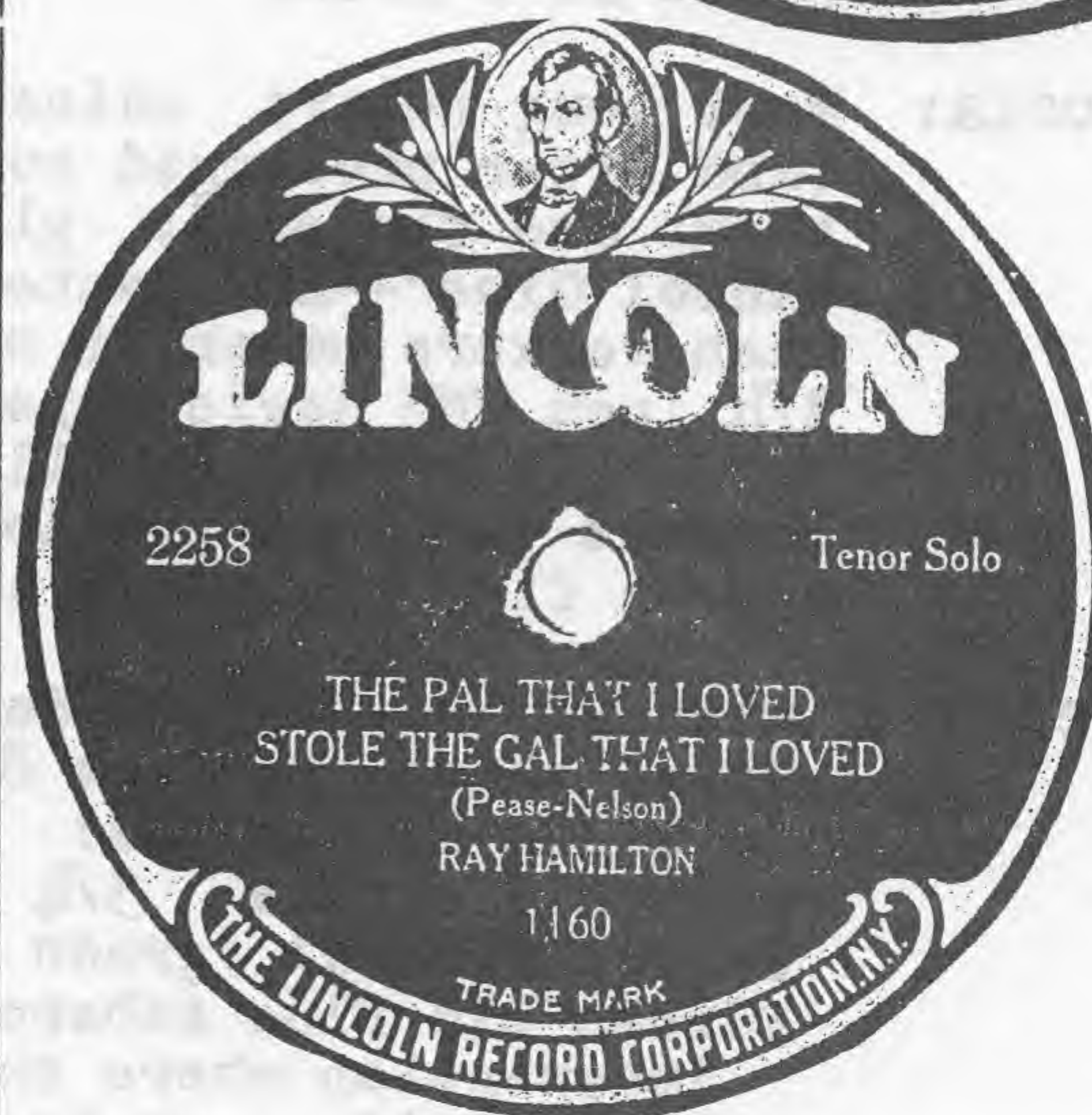




18686 { I'm in Heaven When I'm in My Mother's Arms William Robyn  
 10in. list price 85c. { Down the Trail to Home, Sweet Home William Robyn

These two songs together make up the first record by Mr. William Robyn, a new Victor artist. "I'm in Heaven" is the song of a little lad who was chided by teacher for failing to do his lessons properly. He was told that if he didn't, he would never go to Heaven. "I'm in Heaven," said he, "when I'm in my mother's arms." Teacher took the rebuke to heart, thinking of her own mother, long since passed away. The song has a nice melody and refrain, and Mr. Robyn sings it in his notable young tenor voice, in fine sympathetic style. The xylophone appears in the accompaniment, and there is a tender and beautiful interlude for a solo violin. The song is by Howard Johnson, Cliff Hess and Milton Ager. "Down the Trail to Home, Sweet Home" is by Ernest R. Ball. It is a waltz

song that tells of the heartache for the old home, that the penniless wanderer and the rich and powerful and successful man of the world together know. It is remarkably well adapted to Mr. Robyn's voice and style. The celesta appears in the accompaniment this time, and the violin interlude consists of the familiar strains of "Home, Sweet Home," beautifully harmonized and affectingly played. The song comes to an end with a fine, high, clear tenor note.



William Robyn  
 a new Victor Artist

Because he was an exclusive Cameo artist in the mid-1920s, William Robyn appeared as "Ray Hamilton" on their Lincoln label.



# MAKING TOPS FOR CYLINDER RECORD BOXES

by Merritt F. Malvern

My late pal, Fred C. Harrington, of Traverse City, Michigan was faced with and solved a problem common to cylinder record collectors. That is, cylinder boxes with no tops.

In the mid-1970s Fred sent me instructions on fabricating cylinder box tops. He successfully produced hundreds of tops for boxes in his own collection. Fred's unedited directions display his humanity and humor, as you shall read.

# # #

**WARNING:** Any or all of these suggestions may prove futile without a considerable amount of patience and time to spare. Order of procedure is somewhat haphazard.

**MATERIALS:** Various pieces of cardboard. If it is too thick it will break upon bending; if too thin and flimsy, it makes a fleppy top and may tear if forced on. Choose color to suit. Most available kinds are some shade of gray or tan on one side. A uniform outside appearance is desirable; inside may well be heterogeneous.

**SOURCES:** Cereal boxes, bakery boxes, dress and suit boxes (regular poster card is too stiff for good bending, but will serve for tops.) At the grocery store where we shop, they maintain a big bin for cartons which customers use for their purchases. Quite a variety of suitable stuff has been found therein--and it's free.

**TOOLS:** Feet long ruler; scissors or shears that will cut (and after prolonged cutting, bandage for bruised thumb and finger.); glue (recommended is "Elmer's School Glue"--NOT paste. This can be laundered out when workers smear it on shirt and pants; roll of 3/4 inch MMM Magic Tape (although regular Scotch Tape will serve, it will dry out after a time--consult your own previous experience; ball point pen--a fine one makes a lighter line.

**ACTION:** With ruler, lay out design for cutting ring sections. These should be from 8 1/2 to 15 inches in length; in width as follows:

- Edison 2 minute 3/4 inch
- Edison Amberol (green box) 1 1/8 inches
- Edison old Blue Amberol (dark blue background with indentation where the box liner projects above the outside container) 1 1/16 inches
- Edison new Blue Amerol (box with completely perpendicular side, light grey and orange label) 3/4 inch; same for a slightly larger size of same appearance made later. The former are generally identified with a Patent date of 1912 above Edison picture, while the later and slightly



larger size has a numeral "418" at the end of a serial number.

Indestructible have a smaller top about 1/2 inch in width. Cut strips and mark inner side with approximate diameter, so that the shorter end may be glued for binding. Strips for rings may be shaped somewhat by drawing over a right angle, as side of the ruler or, back of blade of shears to form an arc.

Tops pattern may be marked using the open top of the box for which tops are being made. Accuracy here makes for better fit.

**MORE ACTION!** Glue fairly lightly, the ends to be overlapped of about four or five strips. Strips are then folded around the box and held firmly in position. At this point a small strip of tape can be placed over the outside end of the ring and the ends folded over to meet or overlap on the inside. This will help in keeping end in position until glue dries and will also furnish a protective covering so that there is less danger of the ends coming loose with later use.

It is generally simpler to make rings and tops separately.

**STILL MORE ACTION!** Place a cut top inside the ring and fit onto the box. Top should fit snugly, touching most of the way around. If top is too large and disfigures ring, trim closely wherever seems best. Press down until top is slightly below the upper edge of ring. Place strip of Magic Tape around ring so that about half of the tape projects above the ring. Cut projecting section at about 3/8 to 1/2 inch intervals. Press projecting sections down in as symmetrical order as possible---or as time permits.

**FINALLY:** Smooth edge with thumb and fingers. Remove and try on another similar box. If it doesn't fit, throw it away and make another. If it does (fit), pause a moment to admire your skill and resulting handiwork. ---A better plan might be to give this set of directions to (son or daughter's name to be inserted here) and offer to pay five or ten cents a unit.

**WARNING:** No warranty, expressed or implied, accompanies directions for this procedure. Furnish your own vocabulary as suits the occasion and measure of success. Please do not try to sell me any of your productions; I'm about through with the whole thing. I doubt if you can get a patent on this process.

**HAVE FUN!**

(circa 1973)

Overlap strips about 1 inch →  
(See "More Action" Above)

See "Tops pattern"  
(Above)

The two components for making your own box lids (not drawn to scale)



# EDISON WAX CYLINDERS MANUFACTURED AFTER 1912

by Ronald Dethlefsen  
with Allen Koenigsberg

I recently found documentation at the Edison National Historic Site which shows that Thomas A. Edison, Inc. continued to manufacture "original title" and new additional title wax cylinder records beyond the September, 1912 cut-off date alluded to by Allen Koenigsberg in his excellent book, Edison Cylinder Records, 1899-1912. The documentation surfaced in copies of the Amusement Phonograph Committee for 1913. This committee oversaw developments in the manufacture of machines and records for several years between 1910 and 1915.

In the minutes for March 28, 1913, it was stated that French and German cylinders were to be made over on Blue Amberols, but that no list of these records had been decided upon. Thus new, additional titles continued to be issued along with previously unissued titles through most of 1913. Even the British series was not issued in the Blue Amberol format until February, 1913. Only the American and Concert series were issued on Blue Amberol starting in 1912. Other series had to wait until domestic production was well underway.

The next mention of wax cylinders occurred on May 29, 1913 when committee minutes revealed that 60 jobbers had reported that two million wax cylinders were still in stock at various locations and that of the two million, 874,000 were two minute wax cylinders. These records existed even though dealers were permitted to return unsold wax records (in accordance with section 13 of the dealers' license agreement) in the amount of 10% of their purchases of new records.

In the minutes for July 10, 1913, it was noted that foreign series Blue Amberols would be ready September 1, 1913. This may have referred to all foreign records or only the French and German series. As a sidelight, it must be noted that the German series sold well in American cities like St. Louis and Milwaukee that had large German-born populations.

As of November 6, 1913, the committee decided that the International Correspondence School language records would soon be issued in Blue Amberol form. I.C.S. wax records were produced throughout 1913. Ironically, they were also the first moulded black wax two-minute cylinders, having been introduced in December, 1901.

In the minutes for December 18, 1913, it was reported that the last order for I.C.S.

wax cylinders was for 13,172 records. It was also noted that wax entertainment cylinders could still be ordered from the factory. This was the last mention of wax records in the Amusement Phonograph Committee minutes.

However, I discovered another document in the form of a letter to dealers dated December 31, 1913 which stated that the company would discontinue the manufacture of wax records on January 5, 1914, but it would continue to fill orders from the stock of wax records it had on hand until the stock was exhausted. The letter also stated that dealers could no longer return unsold wax cylinders, but that they could sell their remaining stocks for whatever price they wished, as long as the records were advertised clearly as being wax records.

An interesting parallel: The Columbia Phonograph Co. discontinued their wax two-minute records in May, 1909, having acquired the distribution of the Indestructible cylinders in September, 1908. Columbia's leftover wax cylinders were sold through Sears, Roebuck as "Oxford" brand and heavily discounted!

From this last document, we may deduce that the Edison company did not stop manufacture of wax cylinders in 1912. Neither did it cease issuing new, additional titles in the wax Amberol foreign series. American series wax two-minute and Amberol cylinders moulded after 1912 were titles issued no later than September, 1912. Furthermore, I.C.S. wax record manufacture continued throughout 1913. The wax vats were bubbling away for quite a while after September, 1912.\*

I also believe that many dealers continued to order old two-minute titles. These had to be manufactured throughout 1913. Filling orders from existing factory stock began in January, 1914. It seems reasonable that the Edison company could not have ended wax production suddenly in 1912, because the 10% return policy still would have left dealers with records on their shelves. I imagine that Edison realized that dealers needed access to new supplies of the best-selling wax cylinders in order to entice customers into their stores to buy slower-selling wax cyl-

At Right: Edison window display offering Edison wax records at reduced prices. Note "Fireside" Phonograph at far right with price tag within horn, waiting for its turn in front of the camera. The photo was taken November 21, 1913 and was supplied by the Edison National Historic Site, West Orange, New Jersey.

\* As a footnote, wax cylinders continued to be produced as a medium for office dictation well into the 1950's by Thomas A. Edison, Inc.



**SPECIAL!**  
secure your ***NOW.***  
favorites



reduced **to** **31¢**

YOUR CHOICE OF ANY  
FOUR MINUTE WAX RECORD  
IN STOCK  
AT THIS CUT PRICE.

**SPECIAL!**

THE OLD  
MUST MAKE WAY  
FOR THE NEW



reduced **to** **21¢**

CLOSING OUT ALL  
Two minute WAX selections.





inders. Yet another reason for continuing wax cylinder moulding was the fact that four-minute conversion kits with Diamond B reproducers were not readily available until 1913.\*\*

So Edison wax cylinders lived on in active production until early 1914. Beyond that date, wax cylinders were probably still being ordered from existing factory stock for die-hard two-minute customers until the factory fire of December, 1914.



\*\* And there were thousands of phonograph still in existence which were never converted and could only play two-minute wax records - Ed.

## IN REVIEW

(Reviews by the Graphic editor, unless identified otherwise.)

More Legendary Voices, by Nigel Douglas  
Originally published in 1994, London, England, this 1995 first American edition of-

fers collectors and opera buffs alike another opportunity to enjoy the writing of tenor, Nigel Douglas. In this new book, Douglas has selected twelve artists including Maria Callas, Feodor Chaliapin, Kathleen Ferrier, Beniamino Gigli, Maria Jeritza, John McCormack, Lauritz Melchior, Claudia Muzio, Titta Ruffo, Elisabeth Schumann, Conchita Supervia, and Richard Tauber.

In the foreword, Douglas states, "My selection of singers is a purely personal one. None of them was perfect--singing is too human an activity to countenance perfection--but all of them, for a variety of reasons, are favourites of mine. If reading about them, and I hope listening to them, may infect a few people with the bug of enthusiasm that bit me many years ago, I shall be happy."

The entertaining text reads like an old dear friend talking about the grand voices of a by gone era in wonderful operatic singing. The author once again talks about the great careers of these artists. The added 'human interest' element is quite apparent throughout the text and makes this book like its predecessor, Legendary Voices (Limelight Editions, 1992), very interesting reading indeed.

Douglas gives excellent samples to support his personal comments on the art of singing. "'O sleep, why dost thou leave me?' from Semele and 'Come, my beloved' from Atalanta, to both of which I would feel inclined to apply the highest praise I know, namely that I cannot imagine any other tenor singing them better. In the opening phrase of 'O sleep' McCormack gives a deft demonstration of how to sing a trill, and as the vocal line soars mercilessly upwards he soars with it, creating an extraordinary impression of weightlessness; while anyone who is not familiar with the melody of 'Come my beloved' is likely to be caught by surprise when it suddenly takes an upward swoop from a low G to a piano high A flat, because on the lower note McCormack does not betray by the minutest sign of effort or audible preparation that he is about to indulge in any such vocal acrobatics."

CD companies and their re-issues are discussed throughout the text. There are also several fine photographs of each artist. In fact, there are some unique photos listed (i.e., the opening photo of Gigli, Chaliapin, and Tauber together graces the foreword of the book).

No doubt that collectors and opera lovers have their own favorites among the twelve artists listed. It is a pleasure to now have two books by the same author who shares his 'favorites' with other individuals who may have the same 'likes.'

The fine research and writing style of this book makes one understand why these artists are 'universal' and 'favorites' with many individuals in collecting and opera circles.

More Legendary Voices by Nigel Douglas is 327 pages; it is published in hard back form by Limelight Editions at \$35.00.

-- Dennis E. Ferrara



# Curiosity

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## "Paper Cuts?"

by Martin F. Bryan

Just when we think we've seen everything, along comes a series of three ads from a 1900 West Coast magazine Overland Monthly, courtesy of Dan Reed, featuring the Vitaphone. At first we were struck by the obvious similarity of their machine to a Berliner product; but then we read the fine print: records made of pressed paper! (And we thought Hit-of-the-Week was innovative some thirty years later!) Were these made of several layers of paper, impregnated with shellac? Or was the paper ground up and mixed with shellac? Or was this just an advertising gimmick?

There's no denying that Vitaphone records are rare. Their feature was being pressed in a brick red material (paper or otherwise), and information was etched in the label area similar to Berliners and early Zon-O-Phones. An additional feature of the records is that many or all of their masters were pirated.\* A paper label 7" American Vitaphone record in my collection is almost certainly dubbed from an 1899 Berliner by Arthur Pryor, but the material is unquestionably brown shellac -- not paper.

We asked George Paul what he could tell us about the two red Vitaphones in his collection. Here is his response:

"I've never heard of 'pressed paper' Vitaphones, but I checked my two because they differ in other ways as well. #524 (Soldiers in the Park by the Columbia Band) has a shiny, Berliner-like surface with a typically trimmed edge. #1800 (March From Rice's Ragtime Opera; Mandolin & Guitar) which is marked "Made in the U.S.A." has a grainier surface and I'll be darned if the edge doesn't look like a later Columbia!! I'm trying not to let my imagination run away with me, but #1800 looks laminated. Of course, Berliners have variable surfaces too, but in looking at the edges of 50 of them right now, I don't see any with a laminated-looking edge. You may have something there."

So, it would seem, some early Vitaphone discs may have a paper core with some sort of laminated surface. Certainly, raw paper surfaces would not stand up to any degree of wear from steel needles. We invite readers to share details of their Vitaphone discs with us, whether paper core or not, whether etched or paper label. It would be interesting to see a listing of how many (or how few) of these obscure discs still exist.

\*For more information about Vitaphone, see George Paul's article "From Berliner to Burt" in Vol. VIII, Issue 3 of Antique Phonograph Monthly.

VITAPHONE

Send for Descriptive Circular. It will interest you.

**KOHLER & CHASE**  
PACIFIC COAST AGENTS  
San Francisco, Cal.

July 1900

3 Vitaphone ads from Overland Monthly. First one had major damage. Note the slight difference in the 2 others.

THE NEW **VITAPHONE**

Is the latest in Talking Machines. The Records or Discs are made of Pressed Paper, therefore giving softer and better tone quality than any other machine made, regardless of price.

**PRICE.... \$18.00 COMPLETE**

VITAPHONE

VITAPHONE

Send for Descriptive Circular. It will interest you.

**KOHLER & CHASE**  
PACIFIC COAST AGENTS  
San Francisco, Cal.

August 1900

THE NEW **VITAPHONE**

Is the latest in Talking Machines. The Records or Discs are made of Pressed Paper, therefore giving softer and better tone quality than any other machine made, regardless of price.

**PRICE.... \$18.00 COMPLETE**

USE PAPER RECORDS

BETTER TONE QUALITY

VITAPHONE

VITAPHONE

Send for Descriptive Circular. It will interest you.

**KOHLER & CHASE**  
THE BIG MUSIC HOUSE  
PACIFIC COAST AGENTS  
San Francisco, Cal.

September 1900





## The Case of the Scarlet Record Labels

RCA-Victor (Plaintiff)

vs.

Columbia and Decca (Defendants)

I would like to thank Dan Morgenstern, Director, Institute of Jazz Studies, Rutgers University, Newark, New Jersey for allowing me the use of the Institute's research facilities.

### (Part 7) Introduction

With this installment, the testimony in the 1943 case of RCA against Decca, Columbia and Columbia's large distributor, the Times Appliance Co., concludes! Whew!! This case has carried on longer than we thought, but we were amused by one Los Angeles reader who wrote: "The transcript of the RCA vs. Columbia, etc., court case is much more interesting than the trial they had here of what's-his-name."

Although much historical information came out in this trial, this particular installment is extremely boring; but it is necessary to wrap up the case presented by RCA against the other two record producers' use of the red label. Judge Woolsey seems to be getting increasingly impatient or bored with the proceeding, as evidenced by his attempts at humor and sarcasm!

And now it's time to ask YOU to be the Judge. Did RCA present a good case? Were their rights infringed upon? Or did Columbia and Decca put up a good defense? When you've finished reading this issue's episode, let us know whether you think RCA should WIN or LOSE this case. Please drop us a card (a postcard will do) saying "RCA wins" or "RCA loses." We will tally your results and report them in the next issue. We will also present Judge Woolsey's ruling, along with some other fascinating information.

But please take that first step and let us know your verdict. As a juror in this case, we cannot guarantee you an interview with CBS or a six-figure book deal. However, your input is necessary. Review the transcripts of the past several issues and then vote!!

MR. DIAMOND: The reason the records with the Victor Company are not in those boxes is because they cannot sell any more.

MR. COOPER: Maybe you are right. Mr. Diamond is under the impression that Decca records are not sold as red seal records. Well, they are sold as red seal records - not even as Decca red seal records, but as two or three words, red seal records, and that is where the controversy started.

THE COURT: Yes, I know, but you sued Decca before you sued Columbia, didn't you?

MR. COOPER: Yes. Now, similar things have happened with respect to both defendants. Their records are sold that way by dealers, as you would certainly expect. If red seal records means Victor records, we claim then it is directly fraudulent representation and we will demonstrate also that we --

THE COURT: You have to bring that home to the Decca Company or the principals.

MR. COOPER: Yes, we did.

THE COURT: Just because some dealer does something; I think palming off in a case like this is very difficult to make out. I do not know, I am just feeling my way, and I believe in telling people what I am thinking about all the time. I should think that when people want to buy some record they would not buy it because it was a red seal or something like that, but they would buy it, normally speaking, because there was some particular artist's recording of some particular piece of music.

MR. COOPER: Well, sometimes people, for instance, - take two different recordings of the same composition - perhaps they would say they wish the Columbia record; sometimes perhaps they would say they wished the Victor record; but sometimes they would say they wished the Red Seal recording. They express their preference in different ways and at different times.

THE COURT: Is there any dispute or was there any dispute in the Patent Office over this grant of a red seal in the middle of the record?

MR. COOPER: Never, nor was there any to its renewal upon its expiration.

THE COURT: I know, but they do not inject things ipso facto, but I mean, was there any interference or anything equivalent to an interference, if you can have such a thing in a trademark case?

MR. COOPER: No, sir. Everybody has acquiesced in this claim; no one objected or protested at the beginning or at any other time. No one has tried to expunge those registrations; no one has ever interfered with their registration.

THE COURT: If they are no good, they do not have to try to explain them. Of course, now you are putting them into the judicial marketplace, to see whether they are good enough, aren't you?

MR. COOPER: That is true and yet in this case the statutory presumption of validity of trademarks resulting from registrations, we ask your Honor to conclude is actually strengthened by the fact that it has remained there so long and has been acquiesced in so long by the parties to this particular litigation in writing under oath.

Finally, one of the things that Mr. Diamond spoke to your Honor about was the great number of Decca records that were sold and the small proportion which he said were Red Label. That small proportion, however, is put up in a



that the public knows about these things all at once and, having taken them, I think your Honor may conclude that they have gone all the way down the line, they did not just stop with the red seal, the red seal just fits into this general pattern of trying to appropriate everything that surrounds the color of the red seal of the records. It is a general attempt to try to bring up their red seal records to the status of Victor Red Seal records. It bears primarily on that question and not as a separate cause of action. Does that answer what your Honor had in mind?

THE COURT: Well, it tells me something. I won't commit myself.

MR. TAYLOR: I may say, if your Honor please, that this morning is the first time that we have had any mention whatsoever of these various aspects that Mr. Cooper now attempts to point out as mosaics. There was no such question raised before Judge Leibell, and there, of course, we were discussing solely the matter of hiring away these executives and also the question of the hiring away of artists who theretofore had recorded for Victor, but as I understand Mr. Cooper's opening remarks, that phase of the case has now faded from the picture.

MR. COOPER: No, it has not at all.

MR. TAYLOR: Except insofar as it is a part of this mosaic that he is now trying to construct.

MR. COOPER: Oh no.

THE COURT: Well of course that is nothing actionable about having these people hired by you folks?

MR. TAYLOR: That is right.

THE COURT: Unless they were under contract.

MR. TAYLOR: That is right.

THE COURT: And if there were people of that peculiar quality of artists and so forth under contract, Victor probably would have gotten an injunction against allowing them to do anything else, under those English cases.

MR. TAYLOR: As a point of interest, your Honor may learn --

THE COURT: I used to teach specific performance in Columbia [University], so I happened to know something about it. I have forgotten all about it now.

MR. TAYLOR: A point of interest is that just recently, as a matter of fact since the action was commenced, Victor has hired away or has hired Mr. Murray, who was the defendant's vice-president, and who was the gentleman who subscribed to defendant's interrogatories, so that you can see that there are examples within the relationships presently here where different executives have been hired by the respective parties back and forth.

THE COURT: A recurring situation?

MR. TAYLOR: That is right.

Now in this matter of the Bradley case, Mr. Cooper neglected to say to your Honor that Judge Lacombe very definitely ruled on the point which the Judge in the Bradley case failed to discern from Judge Lacombe's decision. I am going to burden you with just a few words.

THE COURT: Judge Wallace's opinion?

MR. TAYLOR: I think it was Judge -- I forget who decided the case in Brooklyn, the Bradley case, but Judge Lacombe decided the Southern District case, and I am now referring to the quotation that appears in my brief at pages 86 and 87. I pointed out to your Honor this morning that Judge Lacombe stated:

"\* \* \* In this case, however, we have much more than the use of a color, and the law of unfair competition may fairly be invoked."

And now let us go to see what remedy was that Judge Lacombe said the plaintiff might be en-

titled to. He says:

"Complainant is entitled to a preliminary injunction against the 'manufacture and sale of disk records, black or nearly black in color, with a red seal center inscribed with decoration and letters in gilt, when such records contain the shop numbers or catalogue numbers of complainant's disk records, or when sound-recording grooves thereon are copies of the grooves on complainant's disk records.'"

So that there is no suggestion in the decision by Judge Lacombe to the effect as stated in the dictum in the Eastern District case. In other words, the remedy which the Court gave the plaintiff Victor in the Armstrong case was merely an injunction against the records which were dubbed and which, of course, also bore on them the Victor catalogue designated numbers, and there was no remedy given by the Court with respect to the use of the circular red label applied to the central portion of the record.

THE COURT: The circular red label qua trademark.

MR. TAYLOR: That is right, qua trademark or qua unfair competition; because the Court says the only reason why that was unfair competition was because of the fact that the defendants there had actually copied without expending any time, money or exercise of its ability in the recording of the composition but had taken the very sound grooves from one record on the market and transferred it to the products of its own company.

THE COURT: Of course that cannot be done, obviously. We will have plenty of time to argue the whole thing out. I think these equity cases ought to be tried in rather a latitudinarian way, and we will get as much as we can, avoiding hearsay and that sort of thing, of course, and you will have plenty of time to argue about all the questions, and I will give you all the time until you are sick of talking on the subject, but I can't help having sort of a feeling that the unfair competition part of the case, while it does not displace the federal jurisdiction in any way, is really more important than the trademark part of it. I don't know, and I'm just saying that and telling you the way I feel as we go along.

MR. TAYLOR: May I make this one remark? Mr. Cooper neglected to tell your Honor that at some time during the course of the existence of the Victor Company from time to time efforts were made to secure trademark registrations for a black label, for a purple label and for other colors.

THE COURT: Well, why not, if they have gotten a red label?

MR. TAYLOR: Exactly. And the Patent Office said, when they cited that example, if you please, "Well, you got this inadvertently, it was an exceptional matter and there was nobody opposing it," and Victor has never succeeded in getting a trademark registration out of the Patent Office for a circular colored label to be applied to a phonograph record wherever there has been opposition.

THE COURT: Well, my first impression would be that as a trademark just the red thing that I see in that registration would be a little dubious, but of course you can accumulate what I call conspiratorial circumstances all around a thing that may make a difference, but then you move over into the question of unfair competition, and I suppose that is where we will end up, probably, and we will still be in this court. Well, anyhow we have got diversity of citizenship, haven't we?

MR. COOPER: No, there is no diversity at present. There was at the time the action was brought against Columbia and --

THE COURT: Well, if there isn't diversity of citizenship, then you have got to sit



14. separate category, or was, which they call their classical records, and, therefore, they have used the red seal in the same way and for the same kind of music that it has become famous for when used by Victor.

MR. DIAMOND: I am sorry to interrupt at this point, your Honor, but that is not a correct statement.

MR. COOPER: I have the catalogues here.

MR. DIAMOND: Well, I have better than catalogues. If you call Hazel Scott Swinging Prelude in C Sharp Minor by Rachmaninoff a classical, or competes with Heifetz's recording of the Brahms Violin Concerto, then your statement is correct, but you have a long way to travel to convince anybody who knows anything about music that that is so.

MR. COOPER: Let me see the Decca Classical catalogue.

I am satisfied to accept Decca's definition of what is classical in their own list. They have listed all kinds of symphonic music, orchestral music - Chopin, Berlioz, Beethoven, Overture from Egmont.

THE COURT: You have all that in.

MR. COOPER: The Quartet in E Minor Opus 59, Beethoven.

THE COURT: You don't need those. We are not yet taking evidence. You are just giving some samples.

MR. COOPER: I am just trying to dispute what he said to your honor. It says "Classical" on here, and we are willing to stand on the fact that it is classical. Up to now most people have thought that Chopin's works were classical, that Gluck was classical, Handel, Grieg --

THE COURT: This is the department of understatement that you are in now!

MR. COOPER: The last thing of significance with respect to Decca is that when this fraudulent practice of Decca's was brought to our attention we brought it to their attention, and a man by the name of Mackay, who was assistant counsel for RCA, then went over to see Mr. Diamond, who was an officer and member of the board of directors, laid it before him and objected to it, asked him to stop it and, in due time, an agreement was made that he would stop it.

THE COURT: That was contingent upon certain things, wasn't it?

MR. COOPER: That is what he says.

THE COURT: I have read your brief.

MR. COOPER: But Mr. Mackay is now a law partner of Mr. Diamond, and Mr. Mackay --

THE COURT: Well, he will tell the truth, I suppose, in spite of that!

MR. COOPER: Mr. Mackay has not stated any qualification on that promise whatever, and the promise was repeated to the successor of Mr. Mackay.

THE COURT: Don't you ever get any of these things in writing?

MR. COOPER: Yes, sir, we have, and it is set out in a bill of particulars.

THE COURT: You will have all the time in the world to tell me all about it. I just wanted to get a general idea.

MR. TAYLOR: May I just say one thing, if your Honor please, in answer to the charge Mr. Cooper made, and I would like to hand up this order now of substitution of attorneys for the defendants, which has now been signed by the parties. You remember this morning I mentioned to you about the change in the firm name of Mr. Freund's firm, Goldmark, Colin & Kaye, and I would like to have that order entered, if your Honor please, on the substitution.

Mr. Cooper has attempted to castigate my remarks with respect to what the plaintiff called their product.

At the very outset of the proceedings in

the Columbia case, your Honor, particulars were directed to the plaintiff, and among them were this question, to require plaintiff to state the trade name by which the said records referred to in paragraphs 8, 9 and 10 of the complaint are designated, and those were the Victor records. Plaintiff answered and said, "Said records are designated" --

THE COURT: What page is this on?

MR. TAYLOR: This is on that combined annotation.

THE COURT: Yes.

MR. TAYLOR: And you will find it under the chapter 2.

THE COURT: Yes.

MR. TAYLOR: The very first page, at the bottom, No. 2R and P. One was the request and the other was the particulars. And the plaintiff answered, "Said records are designated both by the trade name 'Red Seal' and 'Victor', so the word 'tradename' is synonymous with 'trademark'. Said records, however, are designated also by trademark comprising a circular red label with a disk applied to the center of the disk of contrasting color and by the phrase 'His Master's Voice' in conjunction with the representation of the dog listening to a phonograph."

In other words, precisely the same type of designation which your Honor observed in the sample label which you referred to when Mr. Cooper handed up the certified cope of the trademark registration."

THE COURT: I still don't see where this thing about the circles that impinged on it --

MR. TAYLOR: There is no question in this case, so far as I know. That was injected this morning.

THE COURT: I know, but Mr. Cooper injected something about the Columbia trademark being circles that interlocked, so to speak.

MR. COOPER: Yes.

THE COURT: And you stated you had something with circles that were tangential to each other.

MR. COOPER: Yes. Well, all of that goes in support of the allegation that the defendants have attempted to appropriate to themselves the good-will of the plaintiff's Red Seal itself, and that they have done it with an intention to do that. I stressed the word "intention". That was the point before Judge Leibell when the defendants moved to strike certain paragraphs from the complaint.

THE COURT: Those three paragraphs?

MR. COOPER: Yes. And he sustained those allegations and denied the motion to strike, on the ground that they go into this general picture of proving an intention to ride on the plaintiff's good-will. And these twin circles I speak of are another example of that sort of thing. We do not ask for an injunction in this case against their simulation of various forms of Victor advertising. We call those to your attention primarily to give you what I perhaps would call a mosaic with a lot of pieces which, put together, show an intention to defraud, and that bears on the fact that the red circle was taken by Columbia in their pursuance of that intention and that policy. And the intentional appropriation of plaintiff's trademark, I should think under the cases, is a much more conclusive cause of action than an incidental one. Taking our good-will with knowledge and for the purpose of stealing it is one of the things that marks this case or distinguishes it from the average trademark case. It was done so deliberately by former employees who know all about it.

THE COURT: Know all about it? What does that mean? Everybody - I should suppose I really know all about it, do I not?

MR. COOPER: Yes, we hope everybody,



tight on Hurn v. Oursler.

MR. COOPER: Yes, we rely primarily on that.

THE COURT: Call it both "Hurns" of the dilemma in that case, and you ride through on the brow.

MR. COOPER: Yes, surely.

MR. OLCOTT: Will your Honor hear me a moment?

THE COURT: Yes, surely.

MR. OLCOTT: I think your Honor is familiar sufficient with the position of my client. I need not say more than that it is a large distributor of Columbia records. Prior to the 15th of September, 1939, there had been gotten out and distributed by the Times Appliance Company a large number of advertisements which contained the phrase "Columbia Red Label Records", and there was on one occasion one small advertisement to dealers which stated "Red Seal". After the 14th of September, both the red label and the red seal were never again sent out, and if there are one or two around, there were a number of thousands sent out to the various dealers' purchasers, they were never after that date when counsel for the two main parties here made some sort of an agreement, and the only occasion, therefore, which I think is very significant, that the Times Appliance Company used the word "Red" in any way was when it sent out price lists that would say "Columbia Red Label Popular Records", and the price therefor, with a certain number, and I take it "Columbia Blue Label Records", and it so occurs that there are 15 blue label records listed and only two red label records listed in that price list of 1940. Of course

I join with the other defendants in this case in saying that the use of the word "red" or the descriptive use of the words "red label" in a price list is surely not a violation of any of the rights of the plaintiff, and that whatever wrong, if any, was done was corrected as speedily as we could possibly correct it when we understood it, and I believe that they have only copied, I don't mean only one article but I mean one particular advertisement sent out in the early period, which used the word "Seal" instead of "Label", and we did not know or think that there was anything wrong about that, and it was speedily corrected and never again thereafter used, and if a harm was done by that particular early advertisement, which only went to dealers, I can't think that it could be any serious wrong, sir, and that is our position in the matter.

MR. DIAMOND: Your Honor, I promised to refer you to Judge Leibell's decision in the Decca case, and you will find that in 1 F.R.D., page 433.

THE COURT: Not in the Federal Supplement?

MR. DIAMOND: No, sir, it is in the Federal Rules Decision.

THE COURT: What is it?

MR. DIAMOND: RCA Manufacturing v. Decca Records, decided on December 13, 1940.

THE COURT: Did it involve the same question as the other one did, his other decision?

MR. DIAMOND: The same question, your Honor.

(Short recess.)

## The Burlington Free Press

Courtesy of Glen Gurwit

# 1888 Edison recording is earliest discovered

*The Associated Press*

WEST ORANGE, N.J. — Curators cataloging the millions of documents and devices Thomas Alva Edison left behind have turned up the earliest known recording of his voice.

Researchers believe the 154-second recording was among many used to demonstrate the new technology to prominent people.

On it, the inventor talks about an around-the-world trip beginning and ending in New York, ticking off cities, ships and trains and joking about be-

ing "a little off on my geography."

In a high-pitched voice, Edison addresses someone named Blaine, apparently James Gillespie Blaine, a congressman, two-time secretary of state and perennial presidential candidate. He signs off with the words: "Goodbye, Edison."

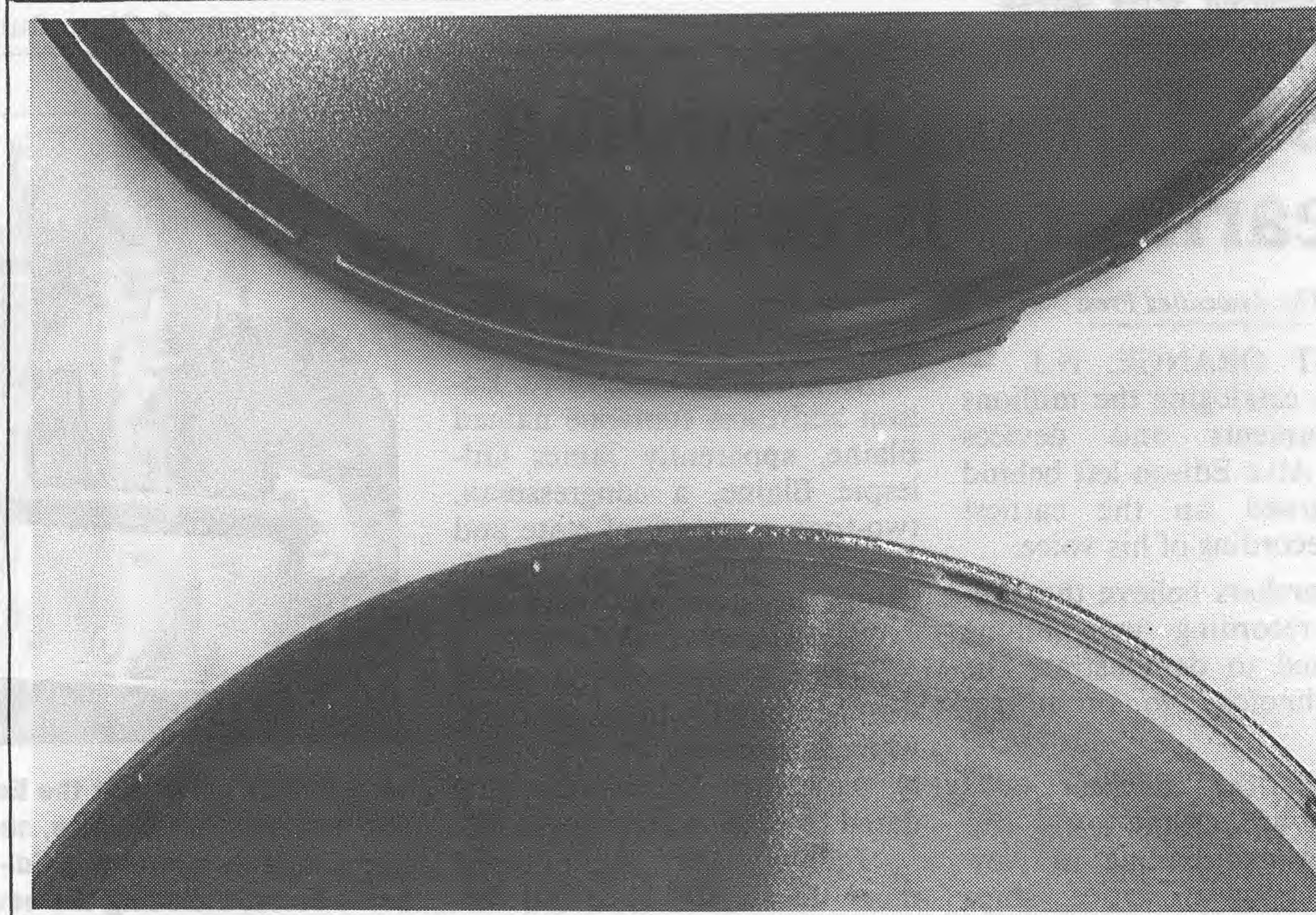
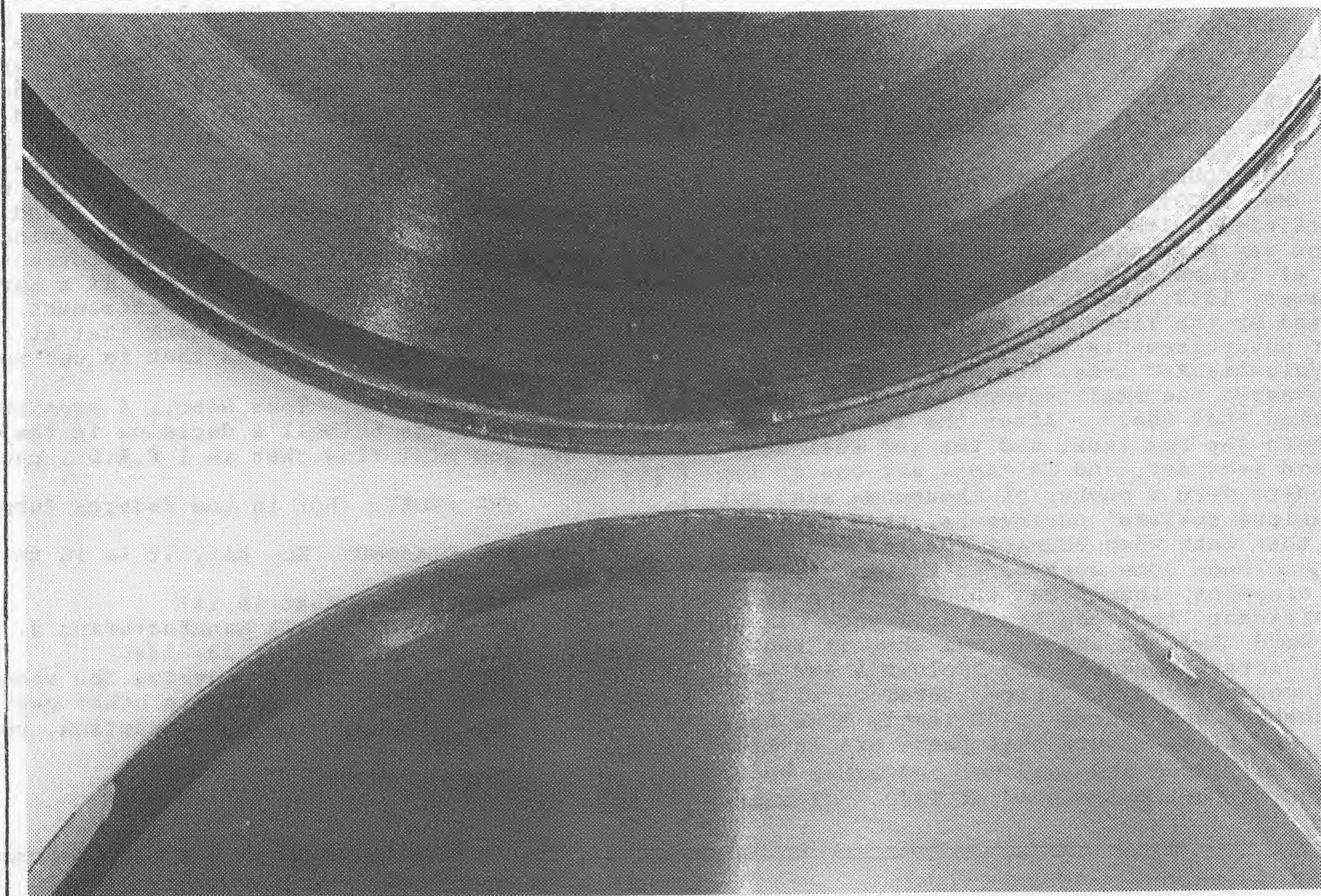
The wax cylinder recording was apparently made in 1888, when Edison was 41. Previously, the earliest known recording dated to 1906, when he was 59.

Edison, who accumulated more than 1,300 U.S. and foreign patents, died in 1931.



**Jerry Fabris, curator at the Edison National Historic Site, shows wax cylinders containing Edison's voice, including the newest from 1888.**







## Diamond Discs

### Hot Off the Press

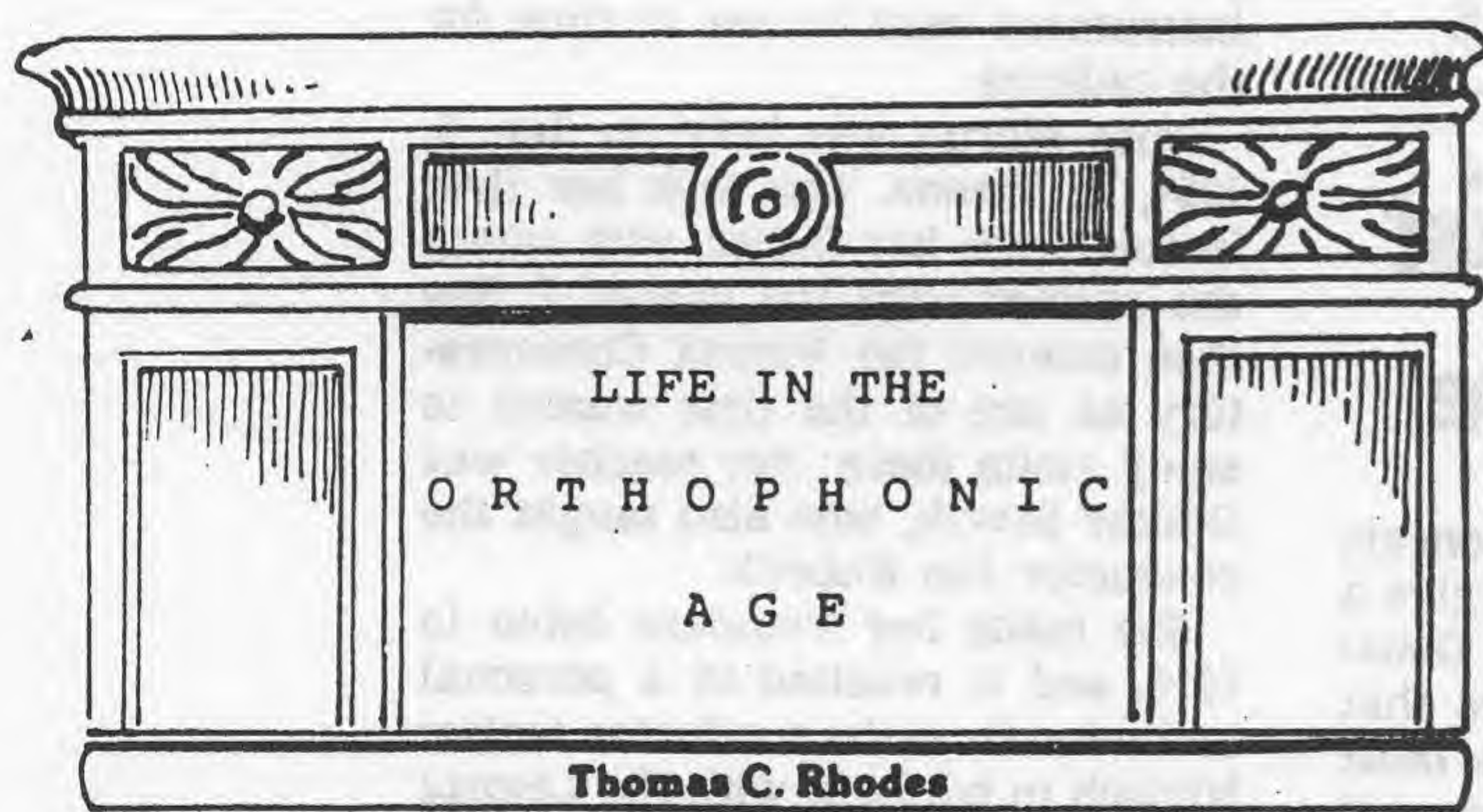
by Ron Dethlefsen

On the preceding page are two photos of what I believe to be unground Edison Diamond Discs, just as they came from the presses. They were in a group of records that may have come from a former Edison dealership. Several other examples of unground edges were found. Perhaps they were sent out as jobbers' samples too. The records date from the 1920s; some pressings had labels, while others did not.

Note bonding lines or marks on the rims of the records:



These and the circular lines served to guide the grinding teams at the factory how far to grind the edges. Even with bonding and waxing of record edges, rim cracks still appeared if records were subjected to moisture or high humidity over time.



While this column has been on leave, some exciting developments have occurred in our world of Orthophonics. Several major research projects are going forth, from a variety of writers. Very soon, in this column, a groundbreaking account of the discovery of possibly the only remaining insite Auditorium Orthophonic will appear.

Another new development, one of special interest to owners of Orthophonic Victrolas, is the news from Mr. Ronald Sitko that newly cast parts for the soundbox housing are soon to be available. This columnist has examined an early test piece headshell and found the castings to be of the highest quality, exact to the original in all ways. Unlike some rather bogus pivot castings examined some time back, these headshell parts are finished to machine-like precision, plated and ready

to use in soundbox rebuilding. Details about cost and availability may be had by writing Mr. Sitko directly:

Ronald Sitko  
26 Tekakwitha Court  
Clifton Park, N.Y. 12065-7626

As a reminder to those who still need pivots, the ONLY source I approve remains that of Norm & Janyne Smith. They may be reached at:

Wonderful Windup Antiques  
9096 Harvard Blvd.  
Poland, Ohio 44514

- o o o -

Tom Rhodes may be reached by writing him at:  
26 Austin Ave. #106, Greenville, RI 02828.

## Obituaries

(See next 2 pages)

### Notes on the Obituaries

A few years back, a fan asked Shura Cherkassky to sign one of his early Victor records after one of his performances. He claimed the recordings were forgeries, denying they were made by him! Seger Ellis was honored by Okeh with an "Exclusive Artist" label, but the seldom seen black on silver design rarely turns up nowadays.

### Additional Deaths

Mercer Ellington, who took over leadership of his father's orchestra in 1974, passed away on February 8th at the age of 76. Classical violinist Louis Krasner, who was 91, died last May in Massachusetts. See Tom Vendetti's recollections of Mr. Krasner on page 20. Big Band vocalist Johnny Johnston, who sang with Richard Himber and Art Kassel in the late 1930s and early 1940s, passed away in Florida on January 6th at the age of 80. Ann Homer Doerflinger, daughter and biographer of Louise Homer, died in Convent, N.J. in February. She was 88.

Our thanks to Gavin McDonough, Kurt Nauck, Don Chichester, Tom Vendetti, Oliver Lane and Don Peak for their watchful assistance.





# Popular recording star of '20s, Seger Ellis, dies

Services were held Monday for Seger Pillot Ellis, a Houston songwriter, piano player, singer and band leader who was one of the nation's most popular recording artists in the late 1920s.

Ellis, who had suffered several strokes and used a wheelchair and walker for years, died Friday in Rosewood Hospital. He was 91.

Born into two prominent Houston families — his grandfather George Ellis had been chief of police and sheriff — Ellis attended the University of Virginia and worked briefly for his father, a vice president of what is now Texas Commerce Bank.

But in 1925 he was working at the Majestic Theater, a major Houston vaudeville house, when Victor technicians came to town to record the

pit band and also pressed two of Ellis' piano solos, *Prairie Blues* and *Sentimental Blues*.

He was invited east to record several more piano tunes and vocals, and in 1927 signed a contract with Okeh records. In 1935 he formed an unusual band, the Choir of Brass, with four trumpets, four trombones and no reeds except for a clarinet.

More than 40 of Ellis' songs were recorded by himself and other artists.

His *After You* was recorded by Stan Kenton, the Four Freshmen and the Anita Kerr Singers, *You're All I Want for Christmas* by Bing Crosby, *I Need You (Like I Need a Hole in the Head)* by Pearl Bailey, and *Little Jack Frost, Get Lost* by



More than 40 of Seger Pillot Ellis' songs were recorded by himself and other artists.

Peggy Lee.

Ellis was working at a Cincinnati radio station when he signed the Mills Brothers to their first recording job. Within weeks, the group's weekly pay went from \$140 to \$3,250.

Ellis appeared in two movies, including *One Rainy Afternoon* in 1934 with Ida Lupino, and had a Montrose-area nightclub during the 1960s.

Survivors include his wife, Pamela, and stepson Rick Sims.

Services were at Earthman's Southwest Chapel, with burial in Hollywood Cemetery.

The New York Times, November 3, 1995

## Erica Morini, 91, Subtle Violinist Who Explored Concerto Range

Erica Morini, an Austrian-born violinist renowned for her exquisite musicianship as well as a brilliant but unobtrusive technique, died on Monday at Mount Sinai Medical Center. She was 91 and lived in Manhattan.

Miss Morini was particularly admired for her performances of the concerto repertory, especially the concertos of Ludwig Spohr, which she helped restore to popularity. She also played and recorded the great concertos of Mozart, Beethoven, Brahms and Tchaikovsky.

Harold C. Schonberg, the former chief music critic of The New York Times, once described Miss Morini as "probably the greatest woman violinist who ever lived," though the notion was not one that pleased her. "A violinist is a violinist," she said, "and I am to be judged as one — not as a female musician."

It was as a musician pure and simple that she earned consistently glowing reviews. After a 10-year ab-

sence from the New York concert stage, she returned in 1976 to give a recital at Hunter College; Donal Henahan wrote in The Times that the concert was "one of the most musically satisfying of this season." She retired from the stage soon afterward.

A violin owned by Miss Morini, a 1727 Stradivarius that was legendary for its tone, was stolen from her Fifth Avenue apartment as she approached death. A friend discovered the theft last month. The police and the F.B.I. said yesterday that they were still hunting for the culprit and the instrument, which was known as the Davidoff Stradivarius and had been appraised at \$3.5 million. [The Metro Section, page B3.]

She was also a resourceful musician. During a 1953 performance of the Brahms Violin Concerto with the New York Philharmonic, the A string of her violin snapped. She quickly exchanged instruments with the concertmaster, missing only a note or two, and played on. The con-

certmaster, John Corigliano, replaced the string and handed the instrument back to her in time for the cadenza.

Miss Morini was born on Jan. 5, 1904, in Vienna. She took her first lessons from her father, with whom she studied until the age of 7. She then entered the Vienna Conservatory as one of the first women to study violin there; her teacher was Otakar Sevcik, who also taught the conductor Jan Kubelik.

She made her Viennese debut in 1916, and it resulted in a personal invitation from the conductor Arthur Nikisch to perform with the Leipzig Gewandhaus Orchestra and the Berlin Philharmonic Orchestra. In 1920 she toured the United States, where she made her concerto debut under Artur Bodansky and presented four highly praised recitals at Carnegie Hall.

She returned to Europe shortly afterward and remained there until the Nazi takeover of Austria. She moved to New York, where she continued to make regular appearances and taught privately at the Mannes College of Music. In 1962 she joined Isaac Stern, Zino Francescatti and Nathan Milstein in a memorial concert for Fritz Kreisler at Carnegie Hall.

Miss Morini was married to Felice Siracusano, a jeweler.

She is survived by a brother, Frank, and a sister, Stella, both of Manhattan.



# Shura Cherkassky, Pianist of Romantic School, Dies at 84

By ALLAN KOZINN

Shura Cherkassky, a Ukrainian-born, London-based pianist whose individualistic interpretive style and affinity for dazzling virtuoso showpieces made him one of the last exponents of the great Romantic keyboard tradition, died on Wednesday at the Royal Brompton Hospital in London. He was 84.

Mr. Cherkassky was a small, gnomish figure who could seem unprepossessing and at times self-effacing in interviews and who routinely brushed off his reviews, both positive and negative. He declared himself wholly unfit to teach and described his musical education as sketchy, particularly in the realm of music theory.

He was likely to express, without prompting, his doubts about his ability to play Mozart or Debussy persuasively. And when he spoke about the musical world, the concert and record business or his own place in the scheme of things, he did so with a bemused, almost detached air.

Yet he was a completely commanding figure on the concert stage. His performances of standard repertory works by Chopin, Rachmaninoff, Mussorgsky and Liszt were invariably packed with idiosyncratic twists and turns that made his readings incendiary, and when he played virtuosic Strauss waltz transcriptions by Godowsky and Schulz-Evler, or essays in tone color by Balakirev or Hofmann, he could create the impression that he possessed more than two hands.

Because he was disinclined to play pieces the same way twice, he could be an erratic performer, and there were times when his interpretive experiments went awry. But listeners attended his recitals with the expectation that he would offer them something unusual, and he remained faithful to that expectation, both in his interpretations and his choice of repertory. He could be an adventurer, at times. Though renowned for his readings of 19th- and mainstream 20th-century works, he in-

cluded music by Berg, Stockhausen, Messiaen, Copland and Bernstein on his programs in recent years.

"I do everything by intuition," Mr. Cherkassky told The New York Times in 1978. "I even live by intuition. For some people it works well, and for some people it would be a disaster. I mean, I can't really recommend what I do for others, because everyone has a different nature. And that goes for piano playing."

Shura Cherkassky was born in Odessa on Oct. 7, 1911. He was given his first piano lessons by his mother, and newspaper articles report ex-

*A musician who enlivened his recitals with idiosyncratic twists and turns.*

travagant early successes. He is said to have composed a five-act opera when he was 8, and to have conducted an orchestra in Odessa when he was 9, all in addition to giving frequent piano recitals and being hailed as a prodigy.

When he left for New York, at the age of 11, he already had a manager to look after his affairs. His hope was to study with Sergei Rachmaninoff, then his pianistic hero. But after an audition at Rachmaninoff's home on Riverside Drive, the young pianist decided to look elsewhere.

"I'll never forget that," Mr. Cherkassky said in a 1989 interview. "I even played his G-sharp-minor Prelude, and he was very impressed. He said, 'Yes, I'll teach you, but for two years you must not give concerts.' He also wanted me to study with Rosina Lhevinne, to alter my technique. My parents and my manager and I thought we should have a second opinion, so we went to Josef Hofmann, who said, 'No, you must perform, and I will teach you.'"

"I loved Rachmaninoff," Mr. Cherkassky added, "but I don't regret the decision not to study with him. Why he wanted to change my technique has been a puzzle to me all my life."

Mr. Cherkassky studied with Hofmann at the Curtis Institute in Philadelphia for about a decade, and kept up his performing career. Comparisons with his teacher were inevitable. After his American debut, in Baltimore in 1923, a reviewer for The Baltimore Sun wrote that "not

since the days when Josef Hofmann was a child prodigy has an American audience been so enthralled by a stripling in knickerbockers." Three years later, when he played the Liszt Sonata at Carnegie Hall, a critic for The New York Evening Sun made a similar observation.

Mr. Cherkassky also studied briefly with Leopold Godowsky, and although he later said that he found Godowsky too fussy, he kept some Godowsky transcriptions in his repertory all through his career.

Throughout the 1920's, Mr. Cherkassky performed regularly in New York, Baltimore and other American cities, and was regularly praised for the vitality and freshness of his readings and the flexibility of his technique. He also undertook a tour of Australia and South Africa in 1927, but did not return to Europe to perform until 1945.

After World War II, Mr. Cherkassky's career took off in Europe and hit a trough in the United States. American reviewers continued to praise his virtuosity but expressed doubts about his depth as an interpreter. He moved to France and then to London, and his visits to the United States became infrequent. A return in the early 1960's seemed promising: Abram Chasins wrote in the 1961 edition of his book "Speaking of Pianists" that Mr. Cherkassky "has complete mastery of the piano, which he handles as though he were putting the instrument through its paces. He has a beautiful tone and commands every shade of color, every variety of touch and texture."

But the Romantic style in which Mr. Cherkassky excelled had fallen out of favor with American audiences, which had come to prefer a less overtly emotional, more literalist and intellectual performing style. That preference persisted through the 1970's, and when Mr. Cherkassky returned to New York in 1978 after a decade's absence, he was still regarded as an anachronism by all but a small circle of connoisseurs.

As Romanticism came back into favor in the 1980's, however, Mr. Cherkassky became something of a cult figure. His return was helped, unquestionably, by a series of recordings he made for Nimbus, an unconventional British company that allows its artists considerable leeway. Earlier in his career, Mr.

Cherkassky had said that he disliked recordings because they were "too coldblooded." And indeed, a few earlier recordings lacked the fire of his live performances. But through the 1980's his recordings were plentiful, and included accounts of the Bach-Busoni Chaconne, Three Scenes from Stravinsky's "Petrouchka," the Liszt Sonata and disks devoted to Chopin and Schumann.

"At Nimbus," he said, explaining his return to recording, "they make you feel at home. You go to their castle in Wales, you stay for a few days, you walk in the park and you record when you want to. There are no red and green lights, no formal studio. They let you play as if it's a concert, and they don't make you start over whenever anything goes wrong."

Nevertheless, Mr. Cherkassky left Nimbus in 1990 when the larger Decca/London company agreed to record his concerts and to release archival performances recorded by the BBC. Decca/London released a recording of Mr. Cherkassky's 80th-birthday concert at Carnegie Hall, in 1991, as well as a set drawn from two 1975 recitals recorded in London.

Offstage, Mr. Cherkassky was a superb raconteur, and when he was in New York he held court for visiting journalists and musicians at his suite in the Hotel Pierre. He had a way of proving a point by seeming to deny that it had any validity.

"I'm a little tired of being called 'the last Romantic,'" he told one interviewer, and then went on to describe himself in entirely Romantic terms. "I just play the way I want to. And that can change from one night to the next."

"I think that if I play too correctly — if I am too conscious about following the score — then I may lose a certain spontaneity. I don't mean that I should go crazy. But for instance, I have a habit in music with repeats, of playing it differently both times. I might ignore the written dynamics or phrasing marks the first time, and then play it as written on the repeat. I decide what to do at the moment. Some critics hate that. But I like to surprise people."

Mr. Cherkassky never gave up performing, and was to tour Japan in February.

No immediate family members survive.



At far left: Shura Cherkassky's first Victor record, released in March, 1924



## LOUIS KRASNER, twentieth century violinist (1903-1995)

### by Tom Vendetti

I first met Louis Krasner in 1981 at a seminar on creative thinking at the University of Massachusetts at Boston. Krasner was one of several artists and scientists attending the program to contribute their experiences and insights into how new and innovative ideas come into being. I was overwhelmed by the story of his unique participation in the creation of the Berg Violin Concerto which he commissioned in 1935.

Krasner recollected that after hearing Berg's great opera *Wozzek* in 1934, he decided to try and persuade Alban Berg, one of Europe's great composers, to write a concerto for violin. Berg was working on another opera at the time and was reluctant to begin a new enterprise. But the recent death of a beautiful young girl, Manon Gropius, daughter of the great architect Walter and Alma Mahler Gropius (Gustav Mahler's widow), inspired interest in the project.

Krasner then related how he made a visit to Berg's home to plan the concerto. Berg first asked Krasner to play something for him. Krasner began with a piece from his repertoire, but Berg did not want to hear any of that. He just wanted to hear Krasner play the violin. Krasner continued with some etudes and scales he used to maintain his technique. Berg again objected. "Just play for me," demanded the master. Krasner then began to "noodle" as he called it. He more or less doodled on the violin for several hours while Berg took notes. Over time, as the concerto took form, Krasner could see that Berg had woven sparks of Krasner's own creative personality into the fabric of the new concerto.

\* \* \* \* \*

The last time I had the opportunity to talk with Krasner was several years ago after a performance of *Salome* by the Boston Symphony. I remarked to him that the finale was an intense experience to which he remarked, "Yes, an intense one, and a wonderful one!" Minutes later someone in the audience asked me if I were talking to someone important. "Yes," I said. "Have you heard the Berg Violin Concerto? He helped create it."

Many readers of the NAG may find it hard to tolerate "way out" modern music. I can assure you that the Berg Concerto is very different from most other modern pieces of the 12 tone school. As a friend of mine put it, "It's modern music with a human face." Indeed, this music requires no special understanding - just an open mind and a compassionate heart. The piece, which Berg dedicated "to the memory of an Angel," runs the full spectrum of emotion. The last part of this work reminds us of a Bach chorale, beginning quite simply then growing in power, exploding as if in flame, and rising into heaven. The final moments are among the most beautiful in all concert music.

There are at least three Krasner recordings of the Berg Concerto from which to choose:

1. May 1, 1936 BBC Symphony, Anton Webern conducting. Testament SBT 1004 (CD)
2. April 20, 1938 Stockholm Phil. Fritz Busch conducting. GM Recording GM 2006 (also on CD)
3. 1940 Cleveland Symphony, Artur Rodzinski conducting. Columbia MM 465 (78); ML-4857 (LP)

I would heartily recommend the first recording conducted by Anton Webern. This is a unique historic document, performed with overwhelming tenderness. This live performance was only recently discovered in Krasner's own collection. Those who wish to experience this music in modern sound may choose the Mutter recording on DG records. Mutter's gorgeous tone is well suited to accompany the ascension of Manon Gropius into heaven.

Note: I would be interested in obtaining Krasner radio broadcasts. Please contact Tom Vendetti; PO Box 598; N. Carver, MA 02355.



## wanted

Can you help provide lists on unusual international acoustics? Indian, Greek, Chinese, etc? Zo, Berliner Gramophone, 7", 10", 12" and other odd sizes. Picture labels? ANY WEIRD FOREIGN? Conte, 283 Harmony Drive, Massapequa Park, NY 11762 (93)

**WANTED:** Emerson crank-up phonographs and parts. Emerson 6", 7", & 12" records. Also any Emerson related items, such as literature, record dusters, etc. Thanks, Herb Rhyner, 123 Columbus Place, Roselle Park, NJ 07204. (98)

**WANTED:** horn elbow for STANDARD "A" (no, I don't mean Edison); owner's manual for Zenith 12H090 (copy OK), good Orthophonic reproducer bodies; Opera posters. FOR SALE: Cleaning out work room. Thousands of Red Seal 78s. Hundreds of classical LPs, dozens of EPs. (Bring truck and save.) Admiral 6S12N; Capehart 23TP35BNL; Revere Recorder; Hundreds of projector & excitor bulbs. Norm Secor, 3333 Grand Avenue #361, Des Moines, Iowa 50312. (515) 277-4243. (93)

**Wanted:** original HOBBIES magazine articles (Favorite Pioneer Recording Artists), Mark 56 record albums on tape of Anna Chandler, Issler's Orchestra, radio shows Annette Hanshaw, book American Popular Songs on Record 1889-1919 by Douglas White, catalog of the Columbia Records "A" Series, Vol 3 A1500-A2646 by Claude Seary. Martin Maas, Sappemeerstraat 15, 1324 AL ALMERE, NETHERLANDS. ( )

**WANTED:** I need a mechanism for my empty Multiphone cabinet. Can you help? Jean-Paul Agnard, 9812 rue Royale, Ste. Anne-de-Beaupré, Québec, Canada. GOA 3C0. Tel: 418-827-5957; Fax: 418-656-2402. (94)

**Wanted** anything about: 1) Dolly Dawn and her Dawn Patrol; 2) Vernon Dalhart A.K.A. Jeff Calhoun, Toby Little, etc., etc. 3) Vaughn de Leath A.K.A. Gloria Geer, Gloria Vonderleath, etc. Records any format, photographs, sheet music, radio magazines, theatre playbills, posters and/or anything else. Melvin Alcorn, 3048 4th Ave., Sacramento, CA 95817. Phone (916) 457-8127. (96)

**Wanted:** Victrola Tungs Tone Needles (full tone) in red and gold tins. Alan Linderman, 18415 Lancashire Rd., Detroit, Michigan 48223. (313) 835-0457. (103)

**WANTED.** Exceptionally generous prices paid for excellent copies of the following black label Victors: [single-face] 52401 (Ferrari), 52501 (Giacomelli), 58389 (Melis, Taccani), 61115, 61118, 61119 (all Moreschi, also issued on Red Seal); [double-face] 63672 through 63681 (Chalia), 65203 (Korolewicz-Wayda/Brzezinski), 63521 (Bohuss), 65337 (Ferrari/Mangini), 65434 (Chalia/Reggiano-Colombo), 68137 (Giraud/DeGogorza), 73164 (Winogradoff), 73849 (Bye). Also the following Red Seal: 64065 - 64067 (Cavallieri), 64095 and 64097 (King). Also the following Vocalions: 30018 (Easton), 54019 (Crimi) and any special white label pressing of violinist Leopold Auer (there is one 10" and one 12"). Columbia Flags label: 36002-D (Ponselle), 20015-D (Gerhardt/Bloch); E4768, E4691, E4547 (Bjoerling Trio), 1422 or A208 and 1423 or A206 (Kocian-violinist), and Columbia 1194, 1195, 1198 (Adams); 1205 and A620 (Scotti), 1224 (Campanari), 1236, 1239 (Giliberti). Classical and speech records purchased (rare individual items and collections as well). Lawrence Holdridge, 54 E. Lake Dr., Amityville, NY 11701. Fax: 516-691-5207. ( )

## wanted

**RUTH ETting!!!** Anything pertaining to and picturing Ruth Etting that I do not have. Seeking musical short subjects ("talkies"), photographs, sheet music, radio magazines, theatre playbills, posters, stereoptican viewcards, etc., featuring Ruth. Russell Wilson, 14 Reynolds Drive, Wallingford, Connecticut 06492-3934. (96)

**Wanted:** 78 RPM foxtrots 1920s and '30s. Especially interested in items on unusual labels like: Autograph, Arto, Black Swan, Buddy, Champion, Claxtonola, Electradisk, Gennett, Herwin, Okeh Electric and True-tone, Savoy, Sunrise, Superior, Super-tone, Van Dyke and others. Tony Peterson, 10291 Mississippi Blvd., Coon Rapids, MN 55433. (612) 422-8889 or (612) 683-5621. (94)

**SELMAR CERINI (aka FERNANDO GERINI)** 78 Records and cylinders wanted. Write: Collector 78, 620 Park Ave. Suite 350, Rochester, NY 14607, or call 716-473-4636. Save this ad as demand will continue indefinitely for these items. (94)

**Wanted:** Cylinder & 78 recordings featuring guitar, mandolin or banjo. Specific wants: "Red Wing," "Dew Drop," "Spanish Fandango," "Vestapol." Also seeking Columbia XP Gold-Moulded cylinder 32515 Harry MacDonald "Blue Bell." Also Wanted: 16" transcription turntable in good condition. Patrick Grant, 3419 Nottingham, Houston, TX 77005 (93)

**WANTED:** Tube type amplifiers made by Brook, Langevin, and Western Electric for my collection. Western Electric tubes, speakers, and microphones also wanted. Frank Hagenbuch, 1440 Lafayette Pky., Williamsport, PA 17701. 717-326-0932. (95)

**Wanted:** 1) Lid for Home Phonograph. 2) Reel tape recorder in perfect condition. 3) Reel tape recorder with 8-track recording in perfect condition. 4) 8-track NOS recording tape. Chisl, 3109 Contego Lane, Palm Beach Gardens, FL 33418. (95)

**WANTED:** Coon-Sanders Orch., Vic. 19958 "Louise, You Tease" and 20461 "High Fever." Also want any original photos or other material on this band. Frank Hagenbuch, 1440 Lafayette Pky., Williamsport, PA 17701. 717-326-0932. (95)

**IRISH, GREEK, SPANISH, CALYPSO, TURKISH, UKRAINIAN,** and other varieties of ethnic 78s sought, paid for, traded for and cared for, once they come to live at this address: Richard Spottswood, 6507 43rd Ave., University Park, MD 20782. ( )

**Wanted:** Instruction manuals for any 8-track recording machines. Original or good copy. Chisl, 3109 Contego Lane, Palm Beach Gardens, FL 33418. (95)

**HELP! COLLECTOR OF MILITARY (CONCERT) BAND** and wind and percussion solos, duets, etc. is in last stages of compiling Victor Company catalogues. Needs many records. Send lists with prices or ask for lists of wants. Need 7", 8", 10", 14" sizes. Particularly need "Consolidated Talking Machine," pre-dog "Eldridge Johnson", Monarch, DeLuxe types and educational. Also seek other labels: American, 7" Berliner (all performers), Columbia, Brunswick, Busy Bee, Climax, Cort, D & R, Diamond, Edison, Emerson, Federal, Gennett, Lakeside, Leeds, Little Wonder, Lyric, Marconi, Oxford, Pathé, Puritan, Rex, Silvertone, Star, Zonophone, etc. Cylinders too. Write: Frederick P. Williams, 8313 Shawnee Street, Philadelphia, PA 19118. (96)

## wanted

**Wanted:** TALKING BOOK CORP.: Small Emerson-produced records glued to cardboard figures and to children's books. I can't use loose records, but if you have any still attached to the figures or books please write. Also want 78 rpm picture records and Jump Blues, R&B, Blues or Rockabilly 45s on original US labels. Thanks! Marc Grobman, 94 Paterson Rd., Fanwood, NJ 07023 (96)

**Wanted:** Black funnel horn or all brass horn (spun - no seams) for trademark Berliner. Motor and slip-on crank for Victor I. Victor Victrola record boxes (maroon with gold pull-rings) in 10" size with letters A, C, in 12" size with letters E, F, G. Edison "O" reproducer. Cygnet crane for Edison Home with Diamond B reproducer. Phillip Drexler, 1175 E. Ripley Ave., St. Paul, MN 55109. (612) 771-8630. (93)

## for sale

**FOR SALE:** 8 outside horn phonographs, 1 Edison Standard, 2 Edison Home, all with large horns and crane, \$850.00 each, 1 Columbia Cylinder phonograph \$1500., 1 U.S. Opera, mint and very rare \$8500., 2 Victor III (metal horns) \$2000. each, and 1 Victor V, wood horn, \$4000. Buy all 8 phonographs and receive 35% discount (which is less than the U.S. Opera has been appraised for). Or buy 3 and get 10% discount. The Gas Pump, 9637 Magnolia Ave., Riverside, Calif. 92503. Open Wed. Thurs. Fr. Sat. 11 - 5. 909-689-3137 Evenings. (93)

**FOR SALE:** Tapered oak reamers for your Blue Amberol cylinder records. Fancy grip handle - accurately tapered. \$15.00 plus \$1.50 shipping. Ron Miller, R. 1, Box 21, Bagley, MN 56621. (94)

**For Sale - Edison Long Play Console #4** with Long Play and Dance Reproducers. Also Long Play Records 10001 - 10006 and 30001 - 30003. Console and records in excellent condition, with long play literature. Asking \$2500.00. Bob, 312-486-5154. (93)

Send me your want lists of 78's, 45's, LP's. Ask for available records by artists. For \$1.25 receive "Ideas on Beginning a 78's Record Collection" - Frederick P. Williams, 8313 Shawnee Street, Philadelphia, PA 19118. (96)

See Display Ad in this issue for set - sale. Lists of cylinders, discs, equipment, etc. --Roger Beasant. (93)

**FOR SALE:** Victor V oak horn excellent, \$3200. Art Faner. (503) 3636-8193. (98)



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**FOR AUCTION** - Records of the golden 78 rpm era. Please request free lists, issued irregularly but worth waiting for! Records, P.O. Box 528, Vestal, NY 13851-0528. (95)

**RECORD AUCTIONS** - Cylinders and Discs (lateral & vertical cut) 1895-1955+. All sizes and categories. Free lists issued quarterly to active bidders. Arthur S. Pare, 46 Bay Road, Shelburne, VT 05482. (94)

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I run regular auctions of cylinder records, 78's, catalogues, cylinder and disc machines, needle tins, books, etc. My next auction will contain a new collection of cylinders I have just bought, the cylinder machines left over from my last machine sale plus a few more, some books and needle tins, plus anything else I turn up in the next few weeks. If you are not already on my mailing list then write for a free list. Rod Cornelius, 16 Jubilee Ave., Devonport, Auckland, New Zealand. (93)

A variety of different auctions: Picture records & labels, postwar jazz & vocals, country & bluegrass, blues & R&B. Write for list(s), but please specify which one(s). Marc Grobman, 94 Paterson Rd., Fanwood, NJ 07023. (96)

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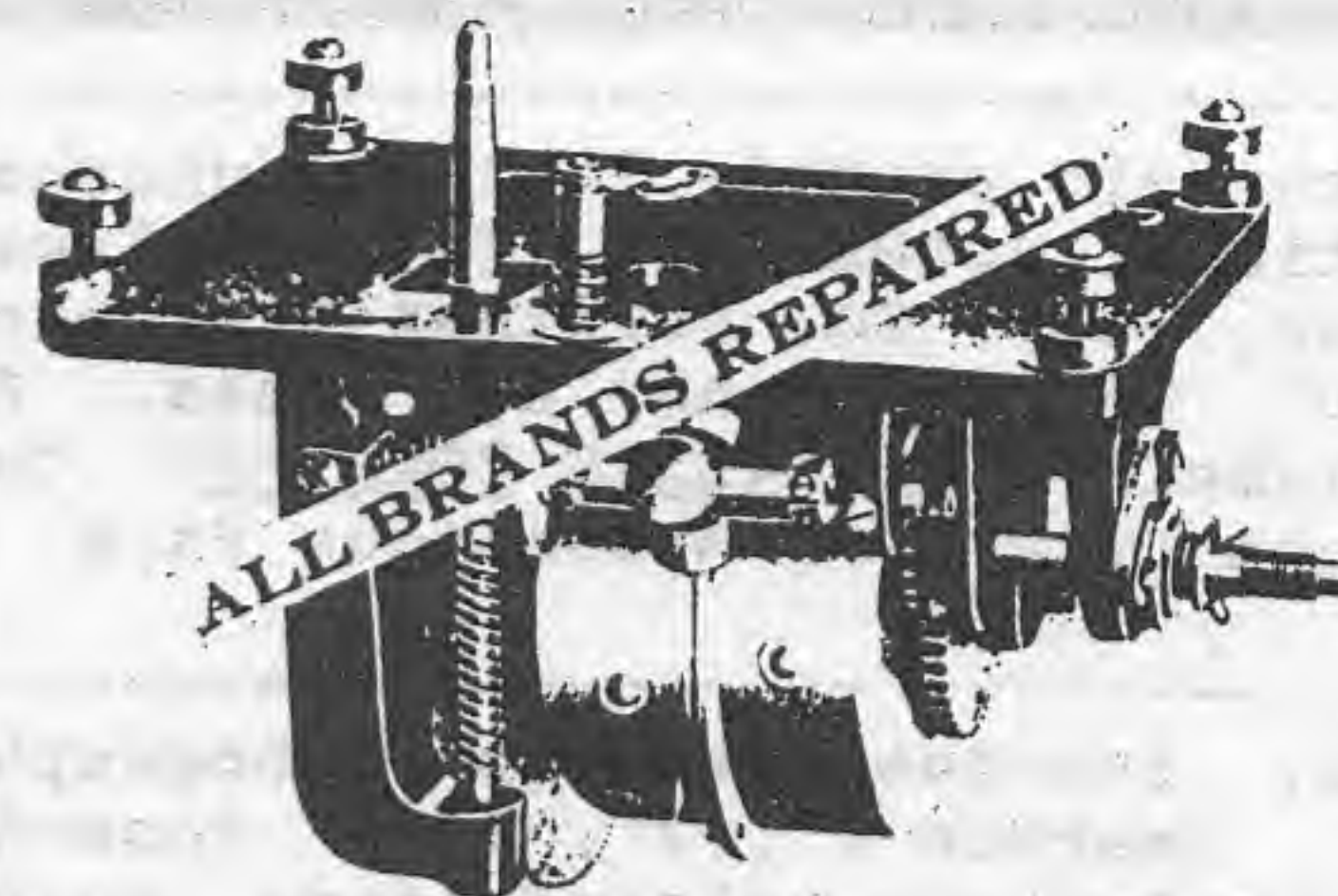


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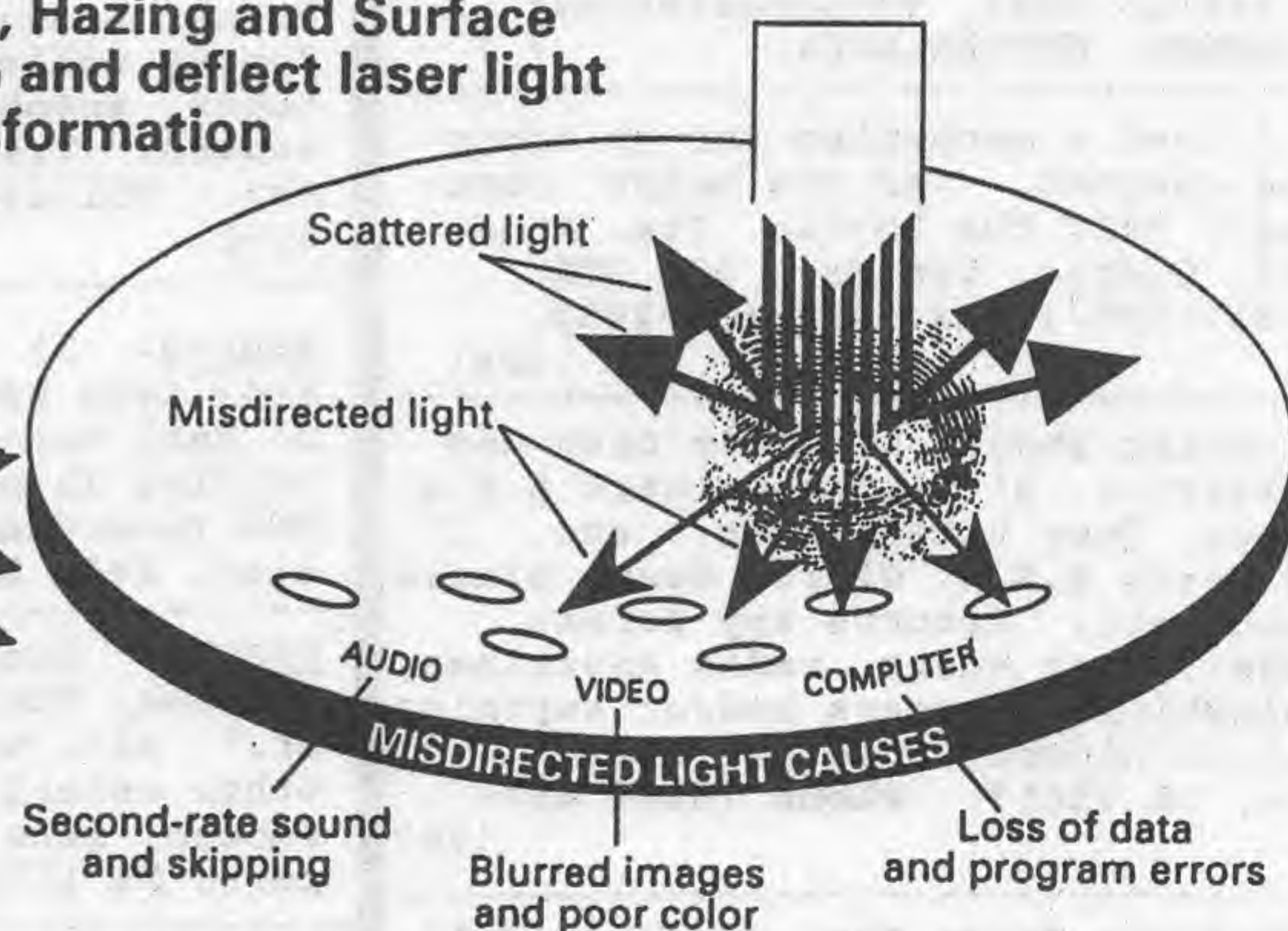
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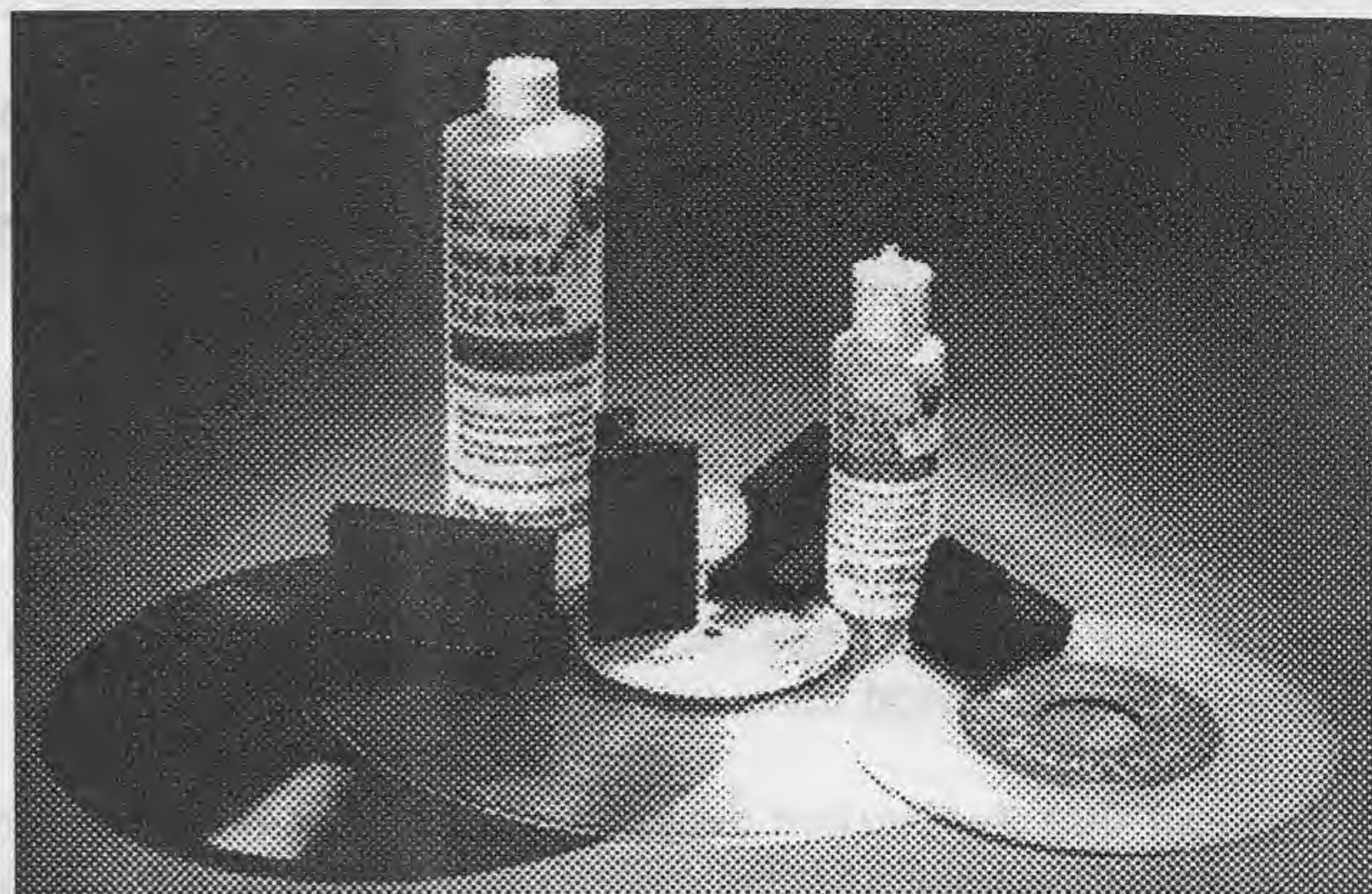
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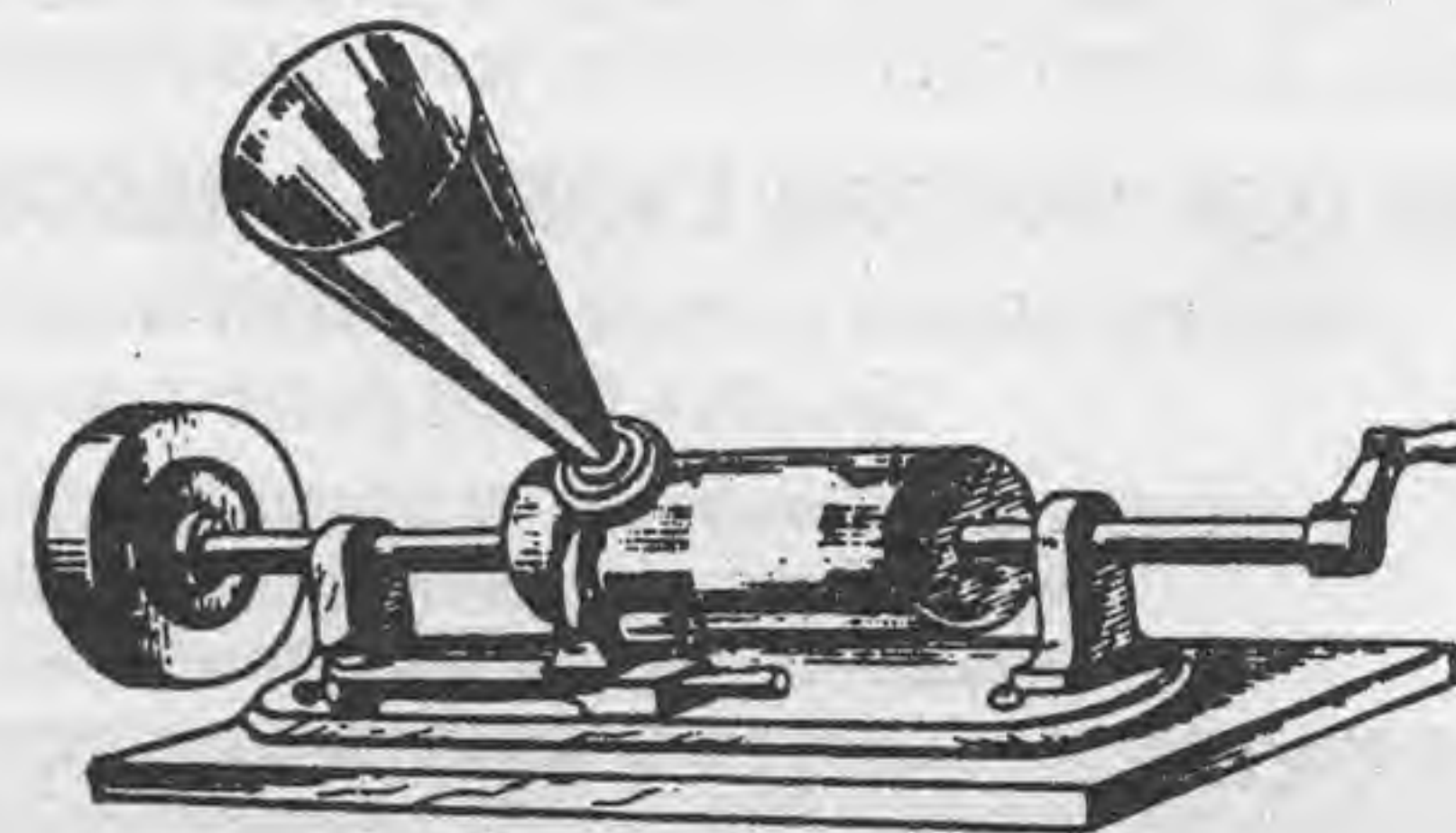
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- 16177-A-Frolics Polka--DARIUS LYONS, PICCOLO
- B-Serenade Badine--ROSARIO BOURDON, VIOLONCELLO
- 16265-A-My Hindoo Man--PETER LEWIN, XYLOPHONE
- B-Medley of Popular Reels--JOHN H. KIMMEL, ACCORDION
- 16278-A-"Sleepy Sidney" Two-Step--SOUSA'S BAND
- B-Royal Brandenburg March--PRYOR'S BAND
- 16367-A-Drill Music No. 1--PRYOR'S BAND
- B-Drill Music No. 2--PRYOR'S BAND
- 16488-A-First Kiss Waltz--MOSE TAPIERO, OCARINA
- B-Love's Caprice--WILLIAM H. REITZ, XYLOPHONE
- 16493-A-Happy Go Lucky Two-Step--PRYOR'S BAND
- B-Naila--PIETRO FROSINI, ACCORDION
- 16575-A-Manon-Ah! Fuyez douce image!--M. ROCCA, TENOR
- B-Carmen Selection--PRYOR'S BAND
- 16629-A-"Vzdy ku predu" pochod--BOHEMIAN BAND
- B-Eugen Onegin-Aire Onegina--BOHUMIL BENONI, BASS-BARITONE
- 16635-A-Maj, Pisen Od K. Bendla--OTOKAR MARAK, TENOR
- B-Vecerni pisen "due vdovy"--BOHEMIAN BAND
- 16636-A-Cavalleria Ructicana-Pijacka--OTOKAR MARAK, TENOR
- B-Dostavenicko, Gavotte--BOHEMIAN BAND
- 16638-A-Za tebe draga "hrvatska pisen"--BOHEMIAN BAND
- B-Po starodaunu, Polka Mazurka--BOHEMIAN BAND

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